

<b>31 TOXICOLOGY EVIDENCE HANDLING GUIDELINES FOR DRIVING UNDER THE INFLUENCE CASES</b>	Page 1 of 2
<b>Division of Forensic Science TOXICOLOGY TECHNICAL PROCEDURES MANUAL</b>	Amendment Designator:
	Effective Date: 31-March-2004
<p><b>31 TOXICOLOGY EVIDENCE HANDLING GUIDELINES FOR DRIVING UNDER THE INFLUENCE CASES</b></p> <p><b>31.1 Summary</b></p> <p>31.1.1 The following toxicology guidelines apply for receiving, processing, storing and destroying driving under the influence samples. The procedure for compliance with motions and court orders for independent laboratory testing is also addressed.</p> <p><b>31.2 Evidence Receipt</b></p> <p>31.2.1 Evidence is typically submitted by mail through a carrier service (United States Postal Service, UPS or Federal Express) and received by DFS security. The unopened container is then delivered to the toxicology section by a designated DFS employee. Evidence may also be received directly (hand to hand) by toxicology examiners from submitting officers. All evidence is placed directly into toxicology administrative storage.</p> <p>31.2.2 The blood vials are removed from the mailing container and the mailing container is discarded. The blood vials are inspected for any discrepancies (e.g. evidence not sealed, vials not provided by DFS or Certificates of Blood Withdrawal (CBWs) not attached to vials). Any discrepancy is noted on the CBW or in the case file.</p> <p>31.2.3 The receiving employee initials both blood vials and affixes the FACTS-generated barcodes with the DFS lab number to each vial. If an RFLE is received, then a FACTS-generated barcode with the FS number is affixed to the RFLE and the examiner signs and dates the RFLE.</p> <p>31.2.4 One of the blood vials is selected for analysis by DFS (typically the blood vial with the greatest quantity of blood). The receiving employee removes the CBW from this vial and labels the CBW with the FS number, their initials and the date. Any discrepancies are noted via number code on the CBW. The removed CBWs are stored in a binder until the Certificates and Analysis are generated. The blood vial selected for analysis is stored in a locked refrigerator pending BAC analysis.</p> <p>31.2.5 The unopened, sealed second vial of blood with its CBW attached is immediately placed in the locked long term storage refrigerator for a minimum of 90 days after the offense date.</p> <p>31.2.6 A daily FACTS-generated log of all DUI cases received is printed and stored in the DUI logsheet binder. These logsheets are used to document all motions, court orders and destruction of DUI evidence. Once the final disposition of evidence is established (destroyed, held, or sent to an independent laboratory) the logsheets are photocopied and stored within each individual case file (original stored in the first case file on the logsheet).</p> <p><b>31.3 Evidence Processing and Storage</b></p> <p>31.3.1 The examiner who analyzes the blood for ethanol content is the examiner that initially breaks the blood vial seal. The name of this examiner and the date of analysis are printed on the BAC GC printouts.</p> <p>31.3.2 If the BAC is equal to or greater than 0.09% by weight by volume, a Certificate of Analysis is generated and the stored CBW is affixed to the Certificate. The blood vial is then resealed and partnered with the unopened vial of blood in the long term storage refrigerator for a minimum of 90 days after the offense date.</p> <p>31.3.3 If the BAC is less than 0.09% by weight by volume, a worksheet is generated for documentation of aliquots and drug analyses. The BAC aliquot and analysis is recorded on this worksheet along with all subsequent aliquots. The blood vial is placed in locked refrigerators with other cases in the process of additional drug testing.</p>	

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<p>31.3.4 Once drug testing is completed, a Certificate of Analysis is generated and the stored CBW is affixed to the Certificate. The blood vial is then resealed and partnered with the unopened vial of blood in the long term storage refrigerator for a minimum of 90 days after the offense date.</p> <p><b>31.4 Motions and Court Orders to Transmit Blood Samples to Independent Laboratories</b></p> <p>31.4.1 All motions and court orders to transmit blood samples are given to a designated toxicology employee.</p> <p>31.4.2 All motions and court orders are first queried in FACTS. Once found, the FS lab number, receiving examiner's initials and date of receipt of motions and orders are documented on the motions and orders.</p> <p>31.4.3 Receipted motions and orders are documented with each corresponding FS number on DUI daily logsheets.</p> <p>31.4.4 The corresponding blood vials are pulled from long term storage and placed in "hold" rack in the long term storage refrigerator.</p> <p>31.4.5 Motions are stored in the motion file until the corresponding court order is received.</p> <p>31.4.6 Once a court order (signed by a judge) is received, the order is sent to DFS file room personnel who will generate a packet containing a certified mail mailing envelope, partially complete transfer of custody form and a copy of the court order.</p> <p>31.4.7 When the packet is received, the designated toxicology employee or examiner will fill out remaining sections of the transfer of custody form. The sealed blood vials are placed into a DUI shipping container and subsequently placed into the mailing envelope with the copy of the court order and mailed via certified mail to the requested independent laboratory. When the certified mail receipts are returned, they are attached to the corresponding transfer of custody forms and stored within each case file.</p> <p>31.4.8 When blood samples are mailed, document "transfer out" in FACTS. In comments, document that pursuant to a court order, blood samples were sent to independent laboratory (specify lab).</p> <p><b>31.5 Destroying DUI Evidence</b></p> <p>31.5.1 If, after 90 days from the offense date, no motions or court orders have been received on a particular case, the blood samples shall be destroyed pursuant to the Code of Virginia §18.2-266</p> <p>31.5.1.1 Place blood vials in biohazard trash.</p> <p>31.5.1.2 Document date of destruction and initials on DUI daily logsheets.</p> <p>31.5.1.3 Document in FACTS that blood vials were destroyed.</p>	